

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANDREA B. GALE, an individual, and as)
 Trustee of Andrea Beryl Gale Revocable)
 Living Trust,)

Case No.: 2:12-cv-02065-GMN-VCF

Plaintiff,)

ORDER

vs.)

CITIMORTGAGE, INC.; NATIONSTAR)
 MORTGAGE, LLC; CAL-WESTERN)
 RECONVEYANCE CORPORATION;)
 QUALITY LOAN SERVICE, as trustee, and)
 DOES 1 through 10, and ROE)
 CORPORATIONS 1 through 10, inclusive,)

Defendants.)

Before the Court is Plaintiff's Emergency Motion for Leave to File Interlocutory Appeal (ECF No. 46), contemporaneously filed with Plaintiff's Motion for Temporary Restraining Order Pending Appeal (ECF No. 47). Defendants Nationstar Mortgage, LLC ("Nationstar"), and Quality Loan Service Corporation ("Quality Loan") have filed an opposition (ECF Nos. 48, 49), and Defendant Cal-Western Reconveyance Corporation ("Cal-Western") has joined in opposition (ECF Nos. 50, 51).

I. DISCUSSION

On January 11, 2013, the Court denied Plaintiff's Motion for Preliminary Injunction. (ECF No. 45.) With the Emergency Motion for Leave to File Interlocutory Appeal (ECF No. 46), Plaintiff requests that the Court certify an order for interlocutory appeal pursuant to 28 U.S.C. § 1292(b). However, as Defendants point out, an interlocutory order from this Court refusing or dissolving an injunction is immediately appealable pursuant to 28 U.S.C. § 1292(a)(1).

1 Section 1292(b) applies to “an order not otherwise appealable under this section.” 28 U.S.C. §
2 1292(b). Because the Court’s order denying Plaintiff’s request for preliminary injunction (ECF
3 No. 45) is immediately appealable pursuant to 28 U.S.C. § 1292(a)(1), an order certifying
4 appeal is procedurally improper under 28 U.S.C. § 1292(b). Accordingly, Plaintiff’s
5 Emergency Motion for Leave to File Interlocutory Appeal (ECF No. 46) will be denied.

6 In her Motion for Temporary Restraining Order Pending Appeal (ECF No. 47), Plaintiff
7 requests that the Court issue a temporary restraining order pending resolution of her anticipated
8 appeal. As discussed by the Court in its Order denying a preliminary injunction (ECF No. 45),
9 the Court finds no likelihood of success on the merits, nor serious questions going to the merits
10 of Plaintiff’s complaint that would entitle her to recover title to the property. Plaintiff’s
11 anticipated appeal presents no new basis for this Court to reconsider its ruling. Accordingly,
12 the Motion for Temporary Restraining Order Pending Appeal (ECF No. 47) will be denied.

13 **II. CONCLUSION**

14 **IT IS HEREBY ORDERED** that the Emergency Motion for Leave to File Interlocutory
15 Appeal (ECF No. 46) is **DENIED**.

16 **IT IS FURTHER ORDERED** that the Motion for Temporary Restraining Order (ECF
17 No. 47) is **DENIED**.

18 **DATED** this 16th day of January, 2013.

19
20
21 
22 _____
Gloria M. Navarro
United States District Judge
23
24
25